

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

TRANSMART, INC.,

**Plaintiff(s)**

**v.**

TRANSTAR INDUSTRIES, INC.,

**Defendant(s)**

**CIVIL NO.** 05-1315 (FAB)

**ORDER**

Transmart's motion requesting the striking of Transtar's pleadings for failure to comply with this Court's orders (Docket No. 102) is hereby **GRANTED**.

On November 3, 2006 the court indicated that all of Transtar's objections to Transmart's discovery requests were deemed waived, and ordered that Transtar produce all documents to Transmart forthwith (Docket No. 101). On November 7, 2006, Transmart indicated that Transtar had failed to produce all pending discovery by October 31, 2006 as Transtar had indicated it would do (Docket No. 102).

On November 8, 2006, Transtar filed a motion in which it indicated that it "complied" with the court order by producing the documents requested in Transmart's Request for Production No. 9 (Docket No. 103). That limited production does not comply with the Court's order for Transtar to produce all documents, and is but the latest example of Transtar's failure to obey this Court's orders by playing a cat and mouse game with Transmart during the discovery

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period. The Court will not tolerate such a blatant abuse of the discovery process and such a failure to comply with its orders.

Consequently, Transtar Industries, Inc.'s pleadings are stricken from the record and its default is hereby entered. See, e.g., John's Insulation, Inc. v. L. Addison and Associates, Inc., 156 F.3d 101, 108-110 (1st Cir. 1998) (Upholding dismissal of complaint and entry of default on counter-claim after plaintiff delayed case for over a year and disobeyed several court orders); Diaz-Fonseca v. Puerto Rico, 451 F.3d 13, 26 (1st Cir. 2006) (Upholding entry of default after defendants violated two discovery orders "by missing clearly established deadlines or by representing to the court that they had complied fully with their obligations, even when their submissions (timely or otherwise) were incomplete").

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 12th day of December 2006.

S/ Francisco A. Besosa  
FRANCISCO A. BESOSA  
U.S. DISTRICT JUDGE